

REMARKS

This Response is submitted in reply to the Office Action dated March 10, 2009 and in accordance with the April 29, 2009 interview. Claims 27, 29 to 32 and 34 to 42 are pending in the present application. Claims 28 and 33 stand canceled. Claims 27, 29 to 32 and 34 to 42 are hereby amended. No new matter has been added by such amendments. Claims 43 to 46 are hereby added. Claims 27 and 32 are in independent form. A Request for Continued Examination is submitted with this Response. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Response.

As noted above, Applicant has filed a Request for Continued Examination with this Response. Accordingly, Applicant requests that the Examiner provide an upcoming Office Action which will “. . . identify any claims which he or she judges, as presently recited, to be allowable and/or . . . suggest any way in which he or she considers that rejected claims may be amended to make them allowable” in accordance with §707.07(d) of the MPEP.

The Office Action rejected:

- (a) Claims 27, 29 to 32, 34, 35 and 42 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0135852 to Kamemoto in view of U.S. Patent No. 6,017,931 to Alexander et al. (“Alexander”), U.S. Patent No. 6,510,553 to Hazra (“Hazra”), U.S. Patent No. 6,064,376 to Berezowski et al. (“Berezowski”), and U.S. Patent Publication No. 2002/0007493 to Butler et al. (“Butler”);
- (b) Claims 36, 37, 39 and 40 under 35 U.S.C. 103(a) as being unpatentable over Kamemoto in view of Alexander, Hazra, Berezowski, Butler and further in view of U.S. Patent No. 6,133,912 to Montero; and
- (c) Claims 38 and 41 under 35 U.S.C. 103(a) as being unpatentable over Kamemoto in view of Alexander, Hazra, Berezowski, Butler and further in view of U.S. Patent No. 6,400,407 to Zigmond et al. (“Zigmond”).

In light of the amendments made herein, Applicant respectfully disagrees with such rejections.

As discussed in the interview, amended Claim 27 recites, among other elements, “(i) said movement and resizing from the second region to the first region; and (ii) said movement and

resizing from the first region to the second region occur simultaneously; (c) for a point in time when said simultaneous movement and resizing occurs, simultaneously displaying: (i) at least a portion of said displayed selected symbolic image at a position; and (ii) at least a portion of said displayed specified television program at said position” Kamemoto, Alexander, Hazra, Berezowski and/or Butler do not disclose the combination of the foregoing elements.

On the other hand the information processing apparatus of amended claim 1 includes, among other elements, “(i) said movement and resizing from the second region to the first region; and (ii) said movement and resizing from the first region to the second region occur simultaneously; (c) for a point in time when said simultaneous movement and resizing occurs, simultaneously displaying: (i) at least a portion of said displayed selected symbolic image at a position; and (ii) at least a portion of said displayed specified television program at said position”

Additionally, Applicant respectfully submits that the Office Action is improperly working backwards from the claimed invention and piecing together elements from different references to form the claimed invention. Obviousness cannot be based on the hindsight combination of components selectively culled from prior art to fit the parameters of the claimed invention. The Office Action’s picking and choosing among individual parts of assorted prior art references as a mosaic to recreate a facsimile of the claimed invention is improper. Without a suggestion or motivation found either explicitly or implicitly in the references used to combine the references to form the specific combination of elements of Claim 27, the Office Action is improperly using hindsight reasoning as the basis for this obviousness rejection. In this case, it would not have been obvious to one of ordinary skill in the art at the time of the invention to combine Kamemoto, Alexander, Hazra, Berezowski and Butler to result in the information processing apparatus of amended Claim 27 without reasonably being construed as improper hindsight reconstruction. Only with the benefit of hindsight reasoning is the Office Action picking and choosing different elements from Kamemoto, Alexander, Hazra, Berezowski and Butler to recreate the claimed invention to form the basis of these rejections. Such reasoning is improper and thus these rejections are also improper.

Accordingly, for at least these reasons, Applicant respectfully submits that amended independent Claim 27 is patentably distinguished over Kamemoto, Alexander, Hazra,

Berezowski and Butler and in condition for allowance. Dependent Claims 29, 30, 31, 36, 37, 38 and 42 to 46 depend directly from amended independent Claim 27 and are also allowable for the reasons given with respect to Claim 27 and because of the additional features recited in these claims.

Amended independent Claim 32 includes certain similar elements to amended independent Claim 27. For reasons similar to those discussed above with respect to amended independent Claim 27, independent Claim 32 (and dependent Claims 34, 35, 39, 40 and 41) are each patentably distinguished over the contents processing system resulting from the combination of Inoue, Yuasa, Stumm and Tsumagari and in condition for allowance.

New dependent Claim 43 recites, among other elements, "wherein said moving and resizing said displayed selected symbolic image from said second region to said first region includes expanding said displayed selected symbolic image from said second region to said first region." New dependent Claim 44 recites, among other elements, "wherein said moving and resizing said displayed specified television program from said first region to said second region includes contracting said displayed television program from said first region to said second region." Applicant submits that the art cited of record does not disclose these elements.

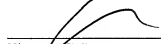
New dependent Claim 45 recites, among other elements, "wherein when said display control means controls said animation effect by simultaneously displaying said portion of said displayed selected symbolic image and said portion of said displayed specified television program at said position, said portion of said displayed selected symbolic image overlays said portion of said displayed specified television program at said position." New dependent Claim 46 recites, among other elements, "wherein when said display control means controls said animation effect by simultaneously displaying said portion of said displayed selected symbolic image and said portion of said displayed specified television program at said position, said portion of said displayed specified television program overlays said portion of said displayed selected symbolic image at said position." Applicant submits that the art cited of record does not disclose these elements.

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

K&L GATES LLP

BY



Thomas C. Basso

Reg. No. 46,541

Customer No. 29175

Phone: (312) 807-4310

Dated: May 12, 2009